

FACTSHEET

TITLE: USE PERMIT NO. 04006A, an amendment to BARON'S RIDGE 1ST

ADDITION, requested by ESP on behalf of Rembolt Development, to reduce the rear yard setback, on property generally located at West Highlands Boulevard and N.W. 1st Street.

STAFF RECOMMENDATION: Conditional Approval

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: Consent Agenda: 07/05/06
Administrative Action: 07/05/06

RECOMMENDATION: Conditional Approval
(7-0: Carlson, Carroll, Esseks, Krieser, Larson, Strand and Sunderman voting 'yes'; Cornelius and Taylor absent).

FINDINGS OF FACT:

1. This is a proposal to amend Use Permit No. 04006, Baron's Ridge 1st Addition, to reduce the rear yard setback from 30' to 25' on Lots 1-10, Block 2, and from 30' to 20' on Lots 1-8, Block 1, which lots are intended for single-family attached dwellings.
2. The approval of this use permit will allow 18 dwelling units and 11,800 sq. ft. of office.
3. The staff recommendation of conditional approval is based upon the "Analysis" as set forth on p.3. The western boundary of this use permit abuts R-3 zoning. The reduction to the rear yard setback for lots in Block 2 along this western boundary is similar to the required rear yard in the R-3 District. The rear of the lots in Block 1 abut proposed office buildings which will retain a 40 foot setback, and should not have a negative impact.
4. On July 5, 2006, this application appeared on the Planning Commission Consent Agenda and was opened for public hearing. No one came forward to speak.
5. On July 5, 2006, the Planning Commission agreed with the staff recommendation and voted 7-0 to recommend conditional approval, as set forth in the staff report dated June 19, 2006.

FACTSHEET PREPARED BY: Jean L. Walker

DATE: July 10, 2006

REVIEWED BY: _____

DATE: July 10, 2006

REFERENCE NUMBER: FS\CC\2006\UP.04006A

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for JULY 5, 2006 PLANNING COMMISSION MEETING

PROJECT #: Use Permit No. 04006A

PROPOSAL: Reduce the rear yard setback from 30' to 25' on Lots 1-10, Block 2 and from 30' to 20' on Lots 1-8, Block 1.

LOCATION: W. Highlands Blvd. and NW 1st St.

LAND AREA: 4.5 acres, more or less

EXISTING ZONING: O-3, Office Park district

WAIVER REQUEST/MODIFICATION: Reduce the rear yard setback from 30' to 25' on Lots 1-10, Block 2 and from 30' to 20' on Lots 1-8, Block 1.

CONCLUSION: The western boundary of this Use Permit abuts a R-3 District. The reduction to the rear yard setback for lots in Block 2 is similar to the required rear yard in the R-3 District. The rear of lots in Block 1 abut proposed office buildings and should not have a negative impact.

RECOMMENDATION:

Conditional Approval

Waivers

1. Reduce the rear yard setback for Lots 1-8, Block 1 and Lots 1-10, Block 2

Approval

GENERAL INFORMATION:

LEGAL DESCRIPTION: Lots 1-8, Block 1 and Lots 1-10, Block 2; Baron's Ridge 1st Addition, located in the SE 1/4 of Section 3, Township 10 North, Range 6 East, Lancaster County, NE

EXISTING LAND USE: Undeveloped

SURROUNDING LAND USE AND ZONING:

North:	O-3, Office Park	Undeveloped
South:	O-3, Office Park	University of Nebraska Technology Park
East:	O-3, Office Park	Undeveloped
West:	R-3, Residential	Single-family

HISTORY:

JULY 29, 2005 Baron's Ridge 1st Addition final plat was approved by the Planning Director.

COMPREHENSIVE PLAN SPECIFICATIONS:

Affordable housing should be distributed throughout the region to be near job opportunities and to provide housing choices within every neighborhood. Encourage different housing types and choices, including affordable housing, throughout each neighborhood for an increasingly diverse population. (F-18)

Require new development to be compatible with character of neighborhood and adjacent uses (F-69).

UTILITIES: Utilities are available to the site.

TRAFFIC ANALYSIS: NW 1st St. and W. Highland Blvd. are classified as urban minor arterial streets.

ANALYSIS:

1. This is a request to reduce the rear yard setback to 20 feet for Lots 1-8, Block 1 and to 25 feet for Lots 1-10, Block 2. These lots are intended for single-family attached dwellings.
2. The O-3 district requires a 40 feet rear yard setback. The rear yard setback was reduced from 40' to 30' with Use Permit #04006.
3. The area immediately to the west of this Use Permit is zoned R-3. The proposed rear yard setback for lots in Block 2 is similar to the R-3 district. The rear yard setback in the R-3 district is 30 feet or 20% of the lot depth, whichever is less. The reduced setback should not have a negative impact on the adjacent lots.
4. Office buildings are proposed east of Lots 1-8, Block 1. The office buildings have a 40' rear yard setback. The reduction to the rear yard setback for the residential lots to 20' west of the office buildings should not have a negative impact. There will still be a minimum separation of 60' between dwellings and office buildings.

CONDITIONS OF APPROVAL:

Site Specific Conditions:

1. This approval permits 18 dwelling units and 11,800 square feet of office with variance to rear yard setback from 30' to 25' for Lots 1-10, Block 2 and from 30' to 20' for Lots 1-8, Block 1. All previous waivers approved by Use Permit #04006 remain in effect.

Final plat(s) is/are approved by the City.

If any final plat on all or a portion of the approved use permit is submitted five (5) years or more after the approval of the use permit, the city may require that a new use permit plan be submitted, pursuant to all the provisions of section 26.31.015. A new use permit may be required if the subdivision ordinance, the design standards, or the required improvements have been amended by the city; and as a result, the use permit as originally approved does not comply with the amended rules and regulations.

Before the approval of a final plat, the public streets, private roadway improvements, sidewalks, public sanitary sewer system, public water system, drainage facilities, land preparation and grading, sediment and erosions control measures, storm water detention/retention facilities, drainageway improvements, street lights, landscaping screens, street trees, temporary turnaround and barricades, and street name signs, must be completed or provisions (bond, escrow or security agreement) to guarantee completion must be approved by the City Law Department. The improvements must be completed in conformance with adopted design standards and within the time period specified in the Land Subdivision Ordinance.

Permittee agrees:

To complete the paving of private roadway, and temporary turnarounds and barricades located at the temporary dead-end of the private roadways shown on the final plat within two (2) years following the approval of this final plat.

to complete the installation of sidewalks along both sides of W. Pemberly Rd. as shown on the final plat within four (4) years following the approval of the final plat.

to complete the public water distribution system to serve this plat within two (2) years following the approval of the final plat.

to complete the public wastewater collection system to serve this plat within two (2) years following the approval of the final plat.

to complete the enclosed public drainage facilities shown on the approved drainage study to serve this plat within two (2) years following the approval of this final plat.

to complete the enclosed private drainage facilities shown on the approved drainage study to serve this plat within two (2) years following the approval of the final plat.

to complete the installation of private street lights along streets within this plat within two (2) years following the approval of the final plat.

to complete the planting of the street trees along W. Pemberly Lane within this plat within four (4) years following the approval of the final plat.

to complete the planting of the street trees along W. Highland Blvd. and NW 1st St. within this plat within two (2) years following approval of the final plat.

to complete the planting of the landscape screen within this plat within two (2) years following the approval of the final plat.

to complete the installation of the street name signs within two (2) years following the approval of the final plat.

to complete the installation of the permanent markers prior to construction on or conveyance of any lot in the plat.

to complete any other public or private improvement or facility required by Chapter 26.23 (Development Standards) of the Land Subdivision Ordinance in a timely manner which inadvertently may have been omitted from the above list of required improvements.

to complete the public and private improvements shown on the Use Permit.

to submit to the Director of Public Works a plan showing proposed measures to control sedimentation and erosion and the proposed method to temporarily stabilize all graded land for approval.

to retain ownership of and the right of entry to the outlots in order to perform the above-described maintenance of the outlots and private improvements on a permanent and continuous basis. However, Owner(s) may be relieved and discharged of such maintenance obligations upon creating in writing a permanent and continuous association of property owners who would be responsible for said permanent and continuous maintenance subject to the following conditions:

- (1) Owner shall not be relieved of Owner's maintenance obligation for each specific private improvement until a registered professional engineer or nurseryman who supervised the installation of said private improvement has certified to the City that the improvement has been installed in accordance with approved plans.
- (2) The maintenance agreements are incorporated into covenants and restrictions in deeds to the subdivided property and the documents creating the association and the restrictive covenants have been reviewed and approved by the City Attorney and filed of record with the Register of Deeds.

to maintain the outlots and private improvements on a permanent and continuous basis.

to continuously and regularly maintain the street trees along the private roadways and landscape screens.

to properly and continuously maintain and supervise the private facilities which have common use or benefit, and to recognize that there may be additional maintenance issues or costs associated with providing for the proper functioning of storm water detention/retention facilities as they were designed and constructed within the development, and that these are the responsibility of the land owner.

to maintain the outlots and private improvements on a permanent and continuous basis.

to maintain the street trees along the private roadways and landscape screens on a permanent and continuous basis.

to submit to the lot buyers and home builders a copy of the soil analysis.

to comply with the provisions of the Land Preparation and Grading requirements of the Land Subdivision Ordinance.

to relinquish the right of direct vehicular access from Outlot 'A' to NW 1st St. and W. Highland Blvd. except as shown and from Lot 10, Block 2 to W. Highland Blvd.

General Conditions:

3. Before a final plat is approved:
 - 3.1 The permittee shall complete the following instructions and submit the documents and plans to the Planning Department office for review and approval.
 - 3.1.1 A revised site plan including **5** copies showing the following revisions:
 - 3.1.1.1 Change the 20' rear yard setback note to 25' for Lots 1-10, Block 2.
 - 3.1.1.2 Change the 30' rear yard setback note to 20' for Lots 1-8, Block 1.
 - 3.1.1.3 Delete Note 18 under General Notes. Administrative Amendment #06049 deleted this note.
 - 3.1.1.4 Correct requested waiver #1.
 - 3.2 Ornamental street lights for private roadways and pedestrian way easements are approved by L.E.S.
 - 3.3 The construction plans comply with the approved plans.

Standard Conditions:

4. The following conditions are applicable to all requests:
 - 4.1 Before occupying the dwelling units and office buildings all development and construction is to comply with the approved plans.
 - 4.2 All privately-owned improvements, including landscaping are to be permanently maintained by the owner or an appropriately established homeowners association approved by the City.
 - 4.3 The site plan accompanying this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
 - 4.4 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.

4.5 The applicant shall sign and return the letter of acceptance to the City Clerk within 60 days following the approval of the special permit, provided, however, said 60-day period may be extended up to six months by administrative amendment. The clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filling fees therefor to be paid in advance by the applicant.

5. The site plan as approved with this resolution voids and supersedes all previously approved site plans, however all resolutions approving previous permits remain in force unless specifically amended by this resolution.

Prepared by

Tom Cajka
Planner

DATE: June 19, 2006

APPLICANT: ESP
601 Old Cheney Rd. Suite 'A'
Lincoln, NE 68512
(402) 421-2500

OWNER: Rembolt Development
5831 S. 58th St. Suite 'A'
Lincoln, NE 68516
(402) 423-8822

CONTACT: Marcia Kinning
ESP
601 Old Cheney Rd. Suite 'A'
Lincoln, NE 68512
(402) 421-2500

USE PERMIT NO. 04006A

CONSENT AGENDA

PUBLIC HEARING & ADMINISTRATIVE ACTION

BEFORE PLANNING COMMISSION:

July 5, 2006

Members present: Carlson, Carroll, Esseks, Krieser, Larson, Strand and Sunderman; Cornelius and Taylor absent.

The Consent Agenda consisted of the following items: **CHANGE OF ZONE NO. 06041, USE PERMIT NO. 117B, USE PERMIT NO. 04006A, SPECIAL PERMIT NO. 06039 and STREET AND ALLEY VACATION NO. 06003.**

Ex Parte Communications: None.

Item No. 1.3, Special Permit No. 06039, was removed from the Consent Agenda and scheduled for separate public hearing.

Carroll moved to approve the remaining Consent Agenda, seconded by Strand and carried 7-0: Carlson, Carroll, Esseks, Krieser, Larson, Strand and Sunderman voting 'yes'; Cornelius and Taylor absent.

Note: This is final action on Use Permit No. 117B, unless appealed to the City Council by filing a letter of appeal with the City Clerk with 14 days of the action by the Planning Commission.



2005 aerial

Use Permit #04006A **NW 1st and West Highland Blvd.** **Zoning:**

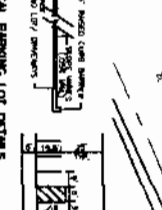
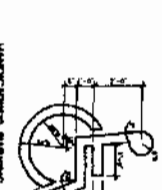
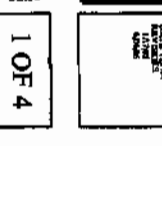
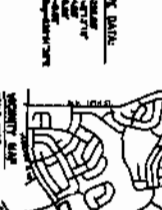
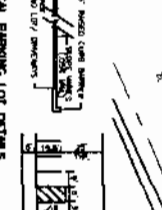
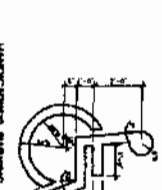
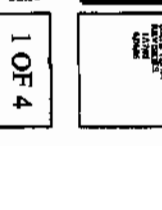
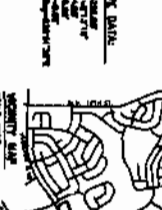
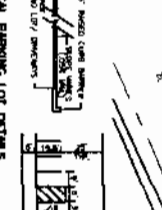
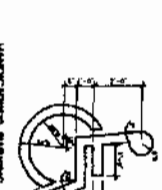
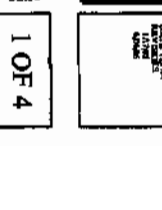
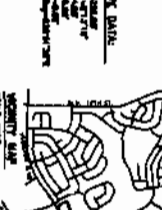
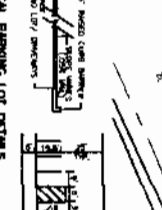
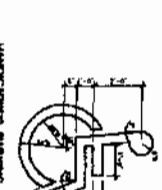
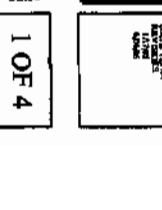
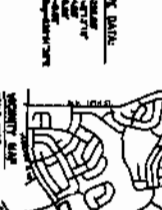
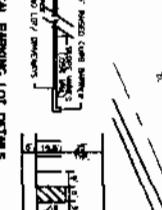
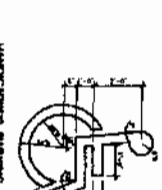
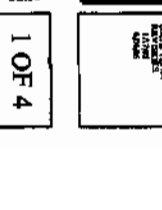
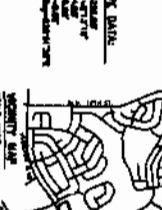
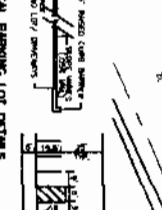
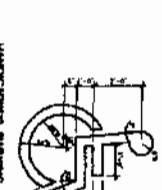
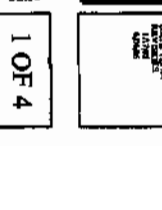
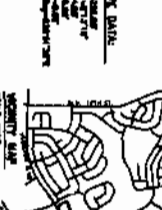
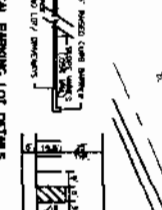
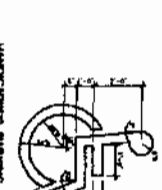
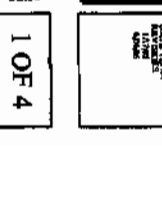
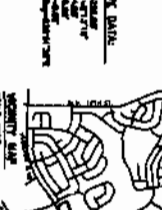
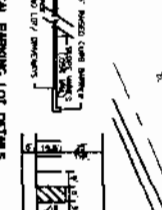
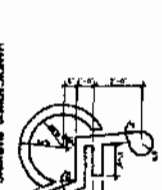
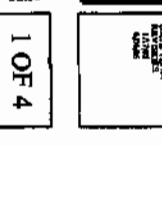
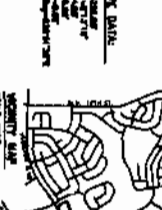
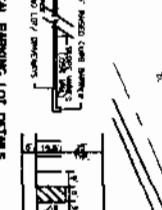
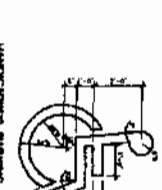
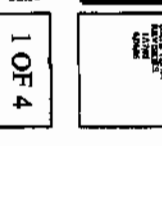
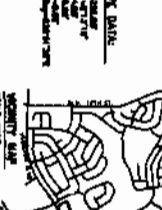
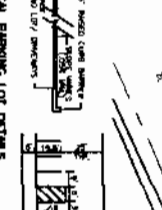
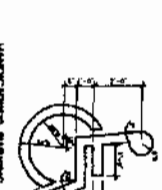
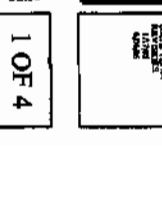
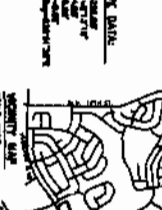
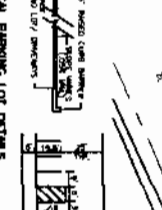
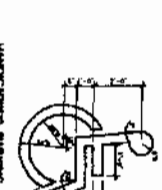
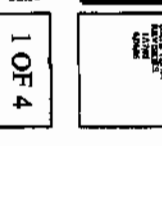
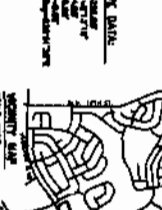
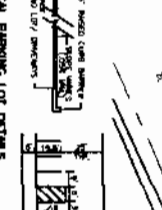
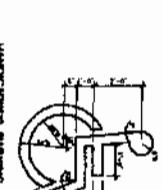
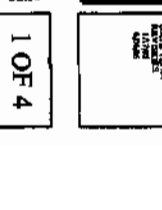
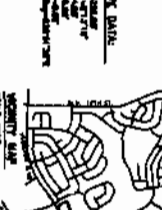
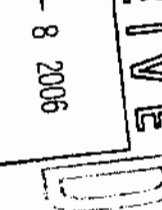
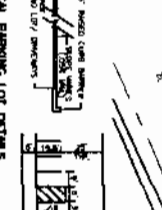
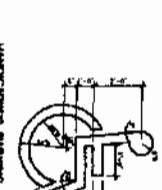
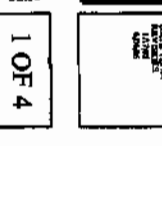
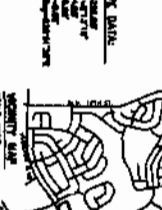
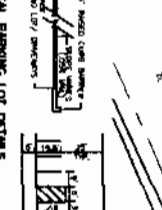
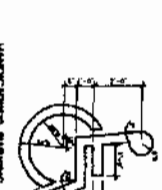
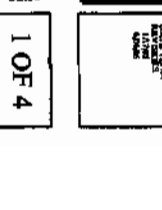
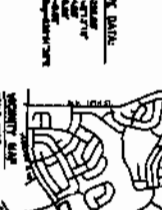
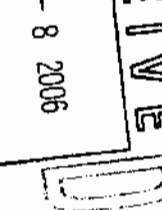
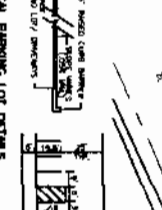
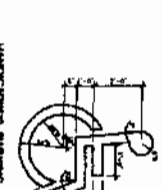
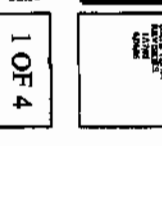
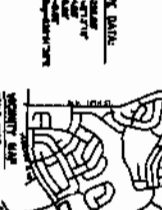
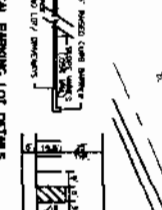
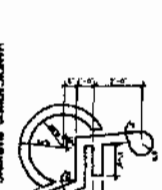
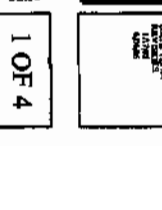
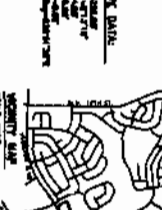
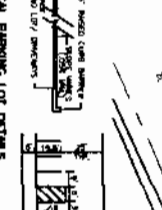
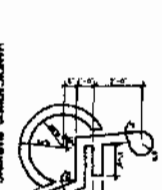
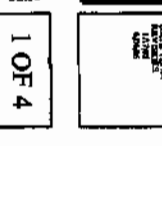
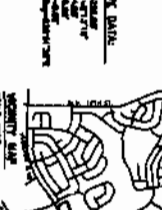
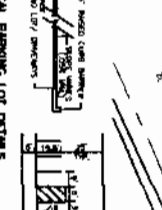
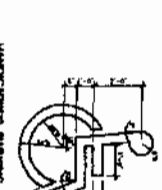
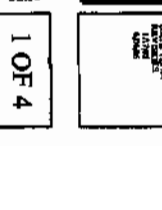
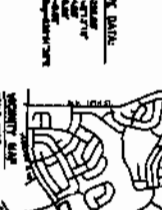
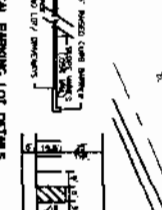
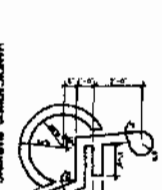
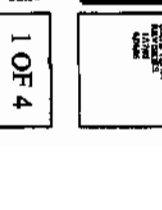
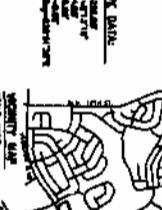
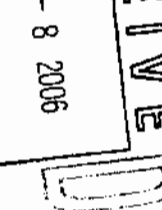
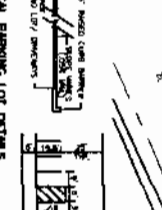
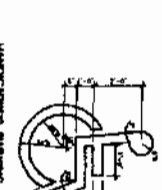
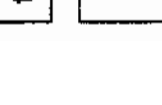
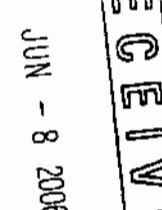
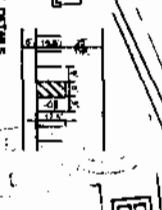
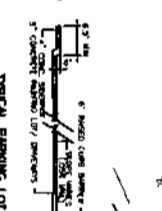
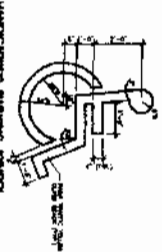
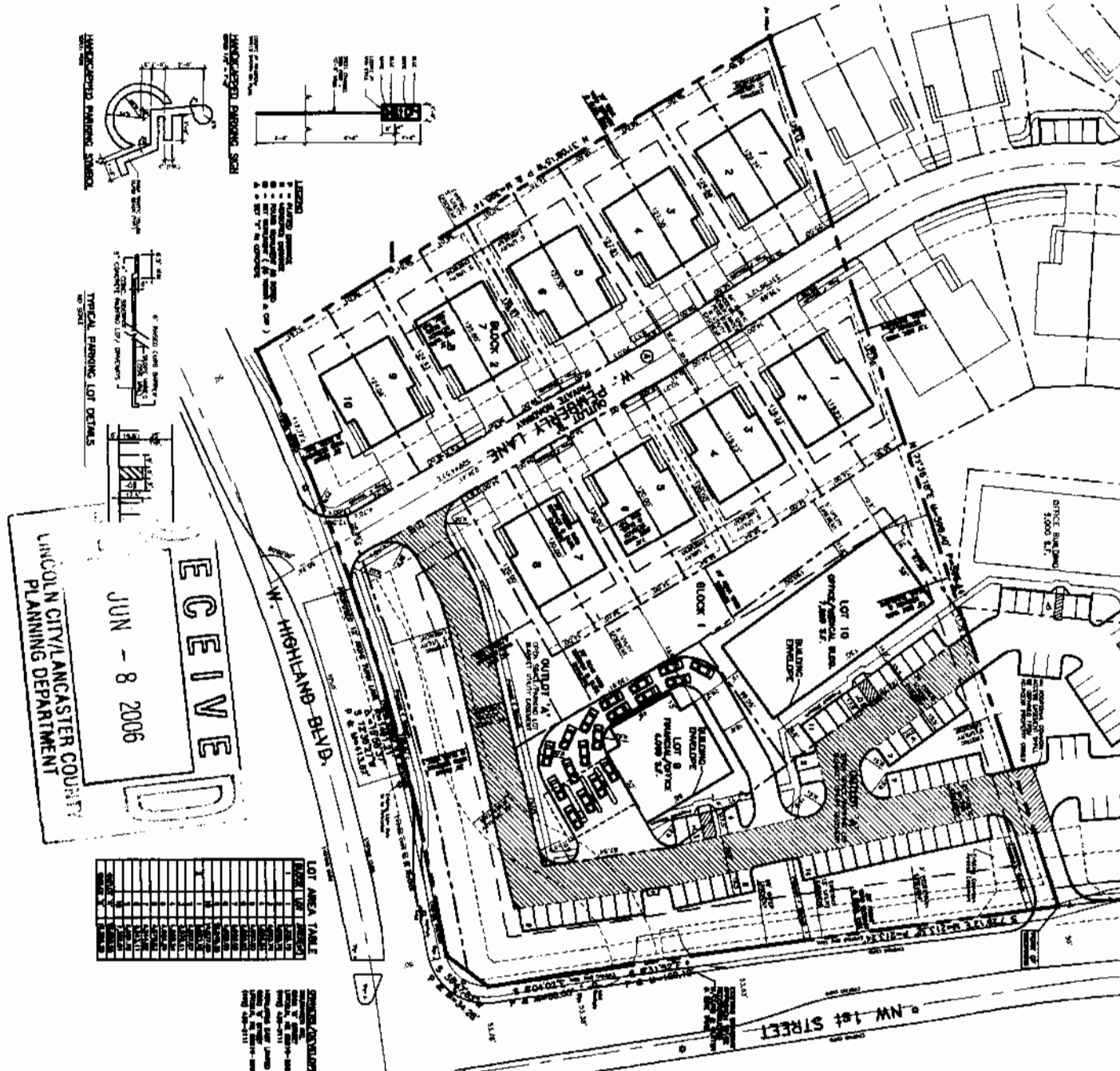
- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- R-C Residential Conservation District
- O-1 Office District
- O-2 Suburban Office District
- O-3 Office Park District
- R-T Residential Transition District
- B-1 Local Business District
- B-2 Planned Neighborhood Business District
- B-3 Commercial District
- B-4 Lincoln Center Business District
- B-5 Planned Regional Business District
- H-1 Interstate Commercial District
- H-2 Highway Business District
- H-3 Highway Commercial District
- H-4 General Commercial District
- I-1 Industrial District
- I-2 Industrial Park District
- I-3 Employment Center District
- P Public Use District

One Square Mile
 Sec. 03 T10N R6E



Zoning Jurisdiction Lines
 City Limit Jurisdiction





June 8, 2006

Mr. Marvin Krout, AICP
Director of Planning
City of Lincoln/ Lancaster County
555 South 10th Street
Lincoln, NE 68508



RE: USE PERMIT #04006A
NW 1ST STREET AND WEST HIGHLAND BOULEVARD

LYLE L. LOTH, P.E./L.S.

Suite A - 601 Old Cheney Road
Lincoln, NE 68512

Phone (402) 421-2500
Fax (402) 421-7096

Email: lyle@espeng.com

Dear Marvin,

On behalf of Rembolt Development, LTD and Vistar Homes Inc., we submit the following amendment to Use Permit #04006 for your review. Barons Ridge 1st Addition is located at the Northwest corner of Northwest 1st Street and West Highland Boulevard in the Highlands. Through developing building plans for the single family attached units, it has come to our attention that the buildable depth of the lots is very limited. We are requesting the rear yard setback be reduced as follows. All other previously approved waivers will remain as listed.

We are maintaining the following waivers to the zoning ordinance;

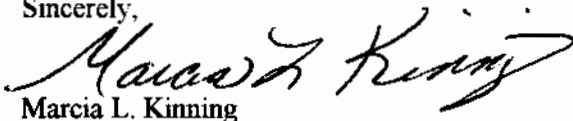
1. Waiver of the side yard setback from 15 feet to 7.5 feet. The proposed setback of 7.5 feet is larger than the adjacent 'R-3' developed area to the west.
2. Waiver of lot depth to width ratio of 3 /1 to 3.6/1. This waiver is common with projects of this nature.
3. Waiver of the required frontage from 50 feet to 25'. Some of the lots are located on a curve and their front property line is smaller than the rear property line.
4. Waiver of the sanitary sewer running against street grade, at the south end of West Pemberly Lane.
5. Water line on the west side and sanitary sewer line on the east side of West Pemberly Lane to match with services from north of the property.

We are modifying the following waiver to the zoning ordinance;

1. Waiver of the rear yard setback from 40 feet to 20 feet. The previously approved waiver of the rear yard setback was from 40 feet to 30 feet.

Please feel free to contact me if you have any further questions.

Sincerely,



Marcia L. Kinning

cc: Rod Hornby, Rembolt Development, Vistar Homes
Enclosures: 24 copies of sheet 1 of 4
8 copies of sheets 2 thru 4 of 4
Application for Amendment to Use Permit
Application Fees of \$740.00
Certificate of Ownership
8-1/2" x 11" reductions of the plans

